



Anthony G. Forlini

Macomb County Clerk
Register of Deeds

Kathy Smith
Chief Deputy Clerk

TO: FILER

FROM: Macomb County Clerk of the Court

RE: 2021-001220-CD 16th Circuit Court Case Number

JUDGE: James M. Biernat, Jr.

This is to inform you that the above mentioned case is deemed an e-filing case pursuant to Administrative Order No. 2019-4. It is MANDATORY that all further filings in this matter are to be filed electronically through the court's e-filing website at:

<http://mifile.courts.michigan.gov>

Registration instructions, filing instructions, the administrative order and frequently asked questions can be found on the court's website at:

<http://circuitcourt.macombgov.org/CircuitCourt-eFilingResources>

All parties must register with the court and opposing parties one e-mail address for service. Service will be provided electronically to the email address that you provide. All parties must also register an email address with the TruFiling e-filing system. Each individual is responsible for the accuracy of the registered email address.

For TrueFiling technical support, please call 1-855-959-8868, or send an email to:

support@truefiling.com.

You are required to serve this notification on all parties when perfecting service on the Complaint. Also, if you have not previously provided your email address to our office when submitting documents for filing, it is now required that you furnish it in order for us to update our records.

If you need help in submitting your filing electronically, assistance is available in the Circuit Court I.T. Department on the 6th Floor. Computers, scanners and staff are available to assist you during normal business hours 8:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

Court Section

40 North Main Street, 1st Floor
Mount Clemens, MI 48043
586-469-5351; Fax: 586-469-5364
macombgov.org/ClerkRoD
courtclerk@macombgov.org

Court Section File Room

40 North Main Street, 1st Floor
Mount Clemens, MI 48043
586-469-5199; Fax: 586-469-5365
macombgov.org/ClerkRoD
fileroom@macombgov.org

01.17.2020

Approved, SCAO		Original - Court 1st copy - Defendant	2nd copy - Plaintiff 3rd copy - Return
STATE OF MICHIGAN JUDICIAL DISTRICT 16th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2021-001220-CD James M. Biernat, Jr.	
Court address 40 N. Main St. Mt. Clemens MI 48043		Court telephone no. (586) 469-5208	
Plaintiff's name(s), address(es), and telephone no(s). Eugene Missinne		Defendant's name(s), address(es), and telephone no(s). Flex-N-Gate 5663 East 9 Mile Road Warren, MI 48091	
Plaintiff's attorney, bar no., address, and telephone no. Eric I. Frankie (P47232) 535 Griswold, Ste. 111-542 Detroit, MI 47226 (248) 219-9205		v	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

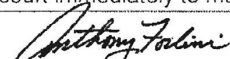
- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	04-02-21	Expiration date*	07-02-21
		Court clerk	
		 /s/ ANTHONY G. FORLINI COUNTY CLERK	

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19) **SUMMONS**

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



04/07/2021

PROOF OF SERVICE**SUMMONS**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)
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- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____
 List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		Signature
\$		\$		
Incorrect address fee	Miles traveled	Fee	TOTAL FEE	Name (type or print)
\$		\$		
				Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Signature: _____
 Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
 Attachments

_____ on _____
 Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EUGENE MISSINNE,

Plaintiff,

v.

FLEX-N-GATE,

Defendant.

Case No. 2021-001220-CD

Hon. James M. Biernat, Jr.

ERIC I. FRANKIE (P47232)
Attorney for Plaintiff
535 Griswold, Suite 111-542
Detroit, MI 48226
(248) 219-9205

COMPLAINT

There is no civil action between these parties arising out of the same transaction or occurrence as alleged in this Court. There is also no dismissed or closed civil between these parties arising out of the same transaction or occurrence as alleged in this Complaint that was brought in this Court.

I. PARTIES, JURISDICTION AND VENUE.

1. At all times relevant to this Complaint Plaintiff Eugene Missinne ("Plaintiff") was a resident of Roseville, County of Macomb, State of Michigan.

2. Defendant Flex-N-Gate, ("Defendant") is a domestic limited liability company duly organized under the laws of the State of Michigan, doing business at 5663 East 9 Mile Road, City of Warren, County of Macomb, State of Michigan.

3. This Court has jurisdiction over this matter pursuant to MCL 37.1606 and MCL 600.605 because this claim is based on the Michigan Persons with Disabilities Civil Rights Act and the amount in controversy exceeds \$25,000.00, exclusive of costs, interest and attorney's fees.

4. Venue is proper in this Court pursuant to MCL 37.1606.

II. GENERAL ALLEGATIONS.

5. Plaintiff re-alleges and restates all of the preceding paragraphs as if fully set forth herein.

6. Plaintiff was hired by Defendant as a temporary dock auditor on September 1, 2020. On March 22, 2021, Plaintiff was hired as full-time dock auditor on March 22, 2021.

7. At all times relevant to this Complaint, Plaintiff has exceeded Defendant's employment expectations for him.

8. On or about March 23, 2019, Plaintiff was brutally assaulted by his immediate supervisor Kenneth Lee ("Lee") without any provocation by or involvement with Plaintiff.

10. After Lee's assault, Plaintiff was treated for his work related injuries at Ascension Macomb-Oakland Hospital and then brought back to work.

11. When Plaintiff returned to work he filled out an incident statement at the request of Defendant's HR Manager Mareeca Jordan ("Jordan").

12. Plaintiff asked Jordan when he was going to be able to come back to work to which Jordan responded "when the investigation is done."

13. Plaintiff also asked Jordan if he would be paid while he was off of work, to which Jordan responded "I don't believe so."

14. Plaintiff was then sent home before his shift ended on March 23, 2021.

15. On March 26, 2021, Defendant, by Jordan, terminated Plaintiff based on the false allegations that his conduct on March 23, 2021 somehow invited Lee's brutal assault.

III. COUNT I-VIOLATIONS OF MPDCRA.

16. Plaintiff re-alleges and restates all of the preceding paragraphs as if fully set forth herein.

17. Plaintiff is qualified under and is disabled within the meaning of the Michigan Persons with Disabilities Civil Rights Act ("MPDCRA"), MCL 37.1101 et seq.

18. Defendant has violated the MPDCRA by not providing Plaintiff with reasonable accommodations and by terminating him because of his request for reasonable accommodations.

IV. COUNT II-WORKERS' COMPENSATION RETALIATION.

19. Plaintiff re-alleges and restates all of the preceding paragraphs as if fully set forth herein.

20. Plaintiff has specifically requested that Defendant grant him benefits under the Michigan Workers' Disability Compensation Act.

21. In retaliation for Plaintiff's requests for Workers' Disability Compensation benefits, Defendant terminated him.

22. MCL 418.301(11) prohibits Defendant from discriminating against an employee such as Plaintiff for exercising rights under the Michigan Workers' Disability Compensation Act.

V. RELIEF REQUESTED.

WHEREFORE, Plaintiff respectfully requests that this Court award him damages in any amount in excess of \$25,000.00, including lost wages, lost benefits, and damages for emotional and mental distress, that are appropriate.

Respectfully submitted,

Date: April 2, 2021

By: /s/Eric I. Frankie
Eric I. Frankie (P47232)
Attorney for Plaintiff
535 Griswold, Suite 111-542
Detroit, MI 48226
(248) 219-9205

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EUGENE MISSINNE,

Plaintiff,

v.

FLEX-N-GATE,

Defendant.

Case No. 2021-001220-CD

Hon. James M. Biernat, Jr.

ERIC I. FRANKIE (P47232)
Attorney for Plaintiff
535 Griswold, Suite 111-542
Detroit, MI 48226
(248) 219-9205

JURY DEMAND

NOW COMES Plaintiff Eugene Missinne by and through his attorney, Eric I. Frankie, and
demands a trial by jury on all issues so triable.

Respectfully submitted,

Date: April 2, 2021

By: /s/Eric I. Frankie
Eric I. Frankie (P47232)
Attorney for Plaintiff
535 Griswold, Suite 111-542
Detroit, MI 48226
(248) 219-9205